THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1606 OF 2007

DATED: 19-02-2007

BETWEEN

Patta Kalesh Vali,
S/o. Madhav Vali,
Business,
Esukavagu Bazar,
Vinukonda P.O.,
Guntur District.

...PETITIONER

AND

The Sub-Inspector of Police,
Vinukonda Police Station,
Vinukonda P.O., Guntur District.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent in not investigating and filing the charge sheet in Cr.No.265 of 2006 registered on 13.11.2006 for the cognizable offence committed by one Lagadapati Venkatarao, even though two moths have elapsed since the complaint has been filed by him, as illegal and arbitrary.

2. Counter has been filed stating that, in fact, petitioner filed a private complaint on 09.11.2006 before the Munsif Magistrate, Vinukonda, Guntur District against one Mr. Lagadapati Venkatarao and on receipt of the same from the Court, a case in Cr.No.265 of 2006 under Sections 405, 415, 418 and 420 of the Indian Penal Code, 1860 had been registered on 13.11.2006 and investigation was taken up. During the course of the investigation no

evidence was found to establish that the accused committed the offence with when he was charged. Therefore, the respondent addressed a letter to the Sub Divisional Police Officer, Narasaraopet, Guntur District on 29.12.2006 requesting him to issue orders referring the complaint of the petitioner as false, which is awaited and it is stated that the final report would be filed at the earliest by following due process of law.

3. In view of the aforesaid facts and circumstances, I am of the opinion that it is for the petitioner to take appropriate steps by way of filing a protest application if he disagrees with the said final report to be filed; but I do not see any merits in the writ petition to grant the relief sought by the petitioner.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 19, 2007
DSK